The utter silence which prevailed during the accusation scene was sufficient to cuable the prisoner to hear every word spoken. When Sharp looked at him it was his duty to have denied the charge. The hanging of his head when the speaker looked at him was evidence to the court that he heard what Sharp had said. Consequently the testimony was admissible.

MORTENSEN IS UNMOVED.

Refuses to Discuss Decision of the BOTH SIDES REASONABLE Supreme Court.

The news of the decision of the supreme court against him was carried to Mortensen in Murderers' row by Acting Warden T. C. Wright. The prisoner sat on his bunk, picking his teeth after the noon-day meal. His face gave no evidence that he had a thought for his condition or dreamed that anything was transpiring that might limit his life to days or hours. From his fleshy and healthy appearance he has not allowed remorse or trouble of any kind to find a foothold in his mind.

When Warden Wright told him of the court's decision, the prisoner, with the same exhibition of icy coldness and steel nerve that has characterized him from the day he was arrested, expressed no surprise whatever. He listened to the news, but was not interested in it any more than if it had nothing to do with him. His only remark was: "Is that so?" Then he relapsed into silence and apparently turned his thoughts to other things.

parently turned his thoughts to other things.
When an effort was made to see the prisoner yesterday afternoon he refused to be seen. He sent word that he had nothing to say and didn't care to see any-

one.

His attorney, B. J. Stewart, called on him later in the afterneon and talked to him for a short time. Mr. Stewart stated that as yet he did not know what move they would make next. He, however, intimated that an effort would be made to get the case before the district court again and if a new trial were not secured there it might be taken to the supreme court a second time. Mr. Stewart stated, however, that he could not state definitely what would be done until he had a consultation with his brother, who is out of the city at present.

STORY OF THE CRIME.

Murder of James R. Hay and the Arrest of Mortensen.

The murder for the commission of which Peter Mortensen has been condemmed to die was committed on the night of Dec. 16, 1901. According to the evidence that was afterward brought out. Mortensen on that day called at the office of the Romney Lumber company and announced that he was ready to pay a bill of \$3,800 which he owed the company. He asked that a receipt be made out and that Secretary James R. Hay bring the same to his house in the morning and get the money.

Supposedly by request, Mr. Hay left his wife and bables about 8 o'clock the evening of the 16th and said he was going to Mortensen's to collect some money. All with and solites about a of clock the evening of the 18th and said he was going to Mortensen's to collect some money. All night the wife waited in vain for her husband to return. The next day came and he still did not return. Peter Mortensen took the word to the lumber company that Hay was missing and stated that he had paid him \$3,500 the night before. The inference was given that Mr. Hay had absconded and the police were notified to look out for him. Mortensen made the statement that he had the money in \$20 gold pieces, that it was in three glass jars and he had kept them on the cellar wall. He declared that he carried the money upstairs and counted it out to Hay while the two of them sat on a settee in the parlor. He further asserted that Hay took the money in a sack and went out the gate towards home. That was the last he saw of him, he declared.

Thought Hay Had Absconded.

Thought Hay Had Absconded.

Motive For the Murder.

Motive For the Murder.

The motive for the crime was discovered when a note was found, payable to the lumber company and secured by a mortgage on Mortensen's home. The note was due the morning of the 17th, the day after the murder. The note was to have been cancelled when the \$3.800 due the lumber company was paid. Mortensen had this note in his possession after the murder, but it was uncancelled.

At the trial it was shown that Mortensen did not have the \$3.800 which he claimed to have had, and it was proven to the satisfaction of the jury that Mortensen killed Hay to get the receipt for money and to get the note that he could not pay and which on the following morning would have left him and his family homeless.

The trial of Mortensen was one of the

homeless. The tilal of Mortensen was one of the most famous in the country. More men were examined before a sufficient number could be secured for a jury than in any other case on record in the state. When the case was given over to the jury selected it took them but a short time to return a verdict of guilty.

NOT MANY LIKE HIM.

loonkeeper.

EASY TO BREAK JAIL.

Sensational Escape of a Desperado in

Wyoming.

Wyoming.

Butte, Mont., Aug. 12.—A special from Sheridan, Wyo., says Boone Potter, the notorious desperado, wanted in North Carolina for the murder of two deputy sheriffs, who was captured ten days ago by Marshal Crinneil, made a sensational escape from the Sheridan county jail last night. The combination of the jail door had not been turned, and Potter, securing a broom handle and a chair rung, tied them together with a handkerchief so that the two formed a right angle. With this instrument he succeeded in throwing back the boil to the door.

Once outside the cage, he secured a poker and made an opening through the brick wall. Another prisoner soon afterward followed him out, went to the police station and gave the alarm. Sheriff Neilson and Marshal Crinnell offered a reward of \$150 for his recepture. Potter was being held for requisition from North Carolina.

SALTAIR BEACH SPECIAL TO-DAY.

Trains leave 10:30, 12:00, 2:20, 4:20, 6:20, 8:00, 9:45.

Motors tonight Salt Palace.

diately hung his head and looked at the ground. The utter silence which prevailed PLAIN TALK BY. A PUBLISHER

Feature of Yesterday's Session of Typographical Union.

MR. DRISCOLL'S ADDRESS WAS WARMLY APPLAUDED.

Washington, Aug. 13.-The International Typographical union began its session today with a sharp controversy over a motion to distribute a namphlet prepared by the Newspaper Publishers' association in criticism of the union's conduct of the printers' strike at Scattle and Spokane, Wash. Objection was made to the circulation of the pamphlet on the ground that it did not bear the union label, but President Lynch made an earnest appeal for its acceptance, and his request was granted by a decided vote.

The convention then, in accordance with a resolution adopted yesterday, listened to an address by Frederick Driscoll, commissioner of the publishers' association, relative to the strikes the stream, partially under water. That loss of life did not follow is due to the matrowness of the stream where the disaster occurred. A cloudburst had wagons.

M. DE WITTE HAS THE UPPER HAND IN THE MANCHURIAN prepared by the Newspaper Publishers

or it is commissioner of the publishers' association, relative to the strikes in the state of Washington. He disclaimed responsibility for the printing of the publishers' circular without a label, and then proceeded to read a formal statement which was a sharp criticism of the union and of President Lynch.

Spoke Plainly.

Mr. Driscoll said that continuous in dustrial peace had been enjoyed for more than two years under the plan of arbitration adopted by the association and the union, and until the occurrence the two strikes at Spokane and or the two strikes at Spokane and Seattle, which he characterized as "in-excusable," contending that the reasons put forth justifying those strikes are untenable. He said that "if arbitration had been adhered to according to the obligations of our agreement, there would have been no strike of disturbance of our friendly relations". turbance of our friendly relations."

Continuing he said:

"The national board of arbitration

The national board of arottration should have been organized as provided in the contract in each of the two cases referred to. That board, if it had found prior irregularities, or even fraud; if publishers or unions had asked for consideration of subjects not allowed in the contract, has and does nossess all necessary power to appul possess all necessary power to annul and wipe out all previous proceedings and begin anew from the inception of the issues raised and give an award which would be accepted by all parties in interest."

Not a Pleasant Duty. He said it was not a pleasant duty to criticise the president and executive

council of the union, and added:
"But as a friend of your organiza-tion, as a representative of our asso-ciation, as a man and a citizen, I am obliged to enter my protest against these gross violations of our arbitra-tion contract."

Thought Hay Had Absconded.

The general impression was that Hay had absconded. But on the night of the 17th, before the dead body was discovered. James Sharp, father-in-law of the murdered man, said to a Herald reporter. Peter Mortensen murdered my boy and his body will be found within a mile of Mortensen's house within the next twenty-four hours. I know this is true, because God revealed it to me."

The following morning a boy who was trying to catch a horse in a pasture within in a haif-mile of Mortensen's house, stumbled over a piece of cloth. Within in twenty minutes the dead body of Hay was dag out of a small and narrow grave into which it had been erammed and but half covered. Mortensen helped lift the body on a stretcher and into the police patrol. Standing on the steps of the wagon, James Sharp accused Mortensen of the murder of his son-in-law.

Mortensen made no denial and he was immediately placed under arrest. At the police station Mortensen made a detailed statement of the alleged money transaction between himself and Hay, but almost every feature of this statement was afterwards proven to be improbable and most of them impossible under the circumstances. When confronted with these impossibilities Mortensen only sat like a sphyenx and refused from that time on to make any statement to anyone about the crime.

Motive For the Murder. Referring to the two cases at issue

time a member of the Typographical union, and, referring to Mr. Driscoll's address, said he know when all the facts were brought out it would be a constraint as to kad backen the contract question as to had broken the contract in conhection with the Washington strike.

An address also was made by C, P. Lovelace, president of the Boot and Shoe Workers' union. He thanked the union for its uniform support of his

own organization in its contentions.

The convention was also addressed by Mr. Campbell of the Textile Workers of Philadelphia, who asked an expression in support of their demand for a

sion in support of their demand for a reduction of working hours.

The privileges of the floor were also extended to Former President William D. Prescott of the Typographical union, and Sampuel Gompers, president of the American Federation of Labor.

Talk by Gompers. Mr. Gompers spoke of the organization of employers and said it is welcomed as tending to promote conciliation and harmony with the least possible amount of disturbance, yet he contended that there is an element in those organizations which fails utter those organizations which fails utter-Death of a Celebrated Milwaukee Sa-ly to understand the purposes of un-ionism and which is therefore calcu-Milwaukee. Wis. Aug. 13. — John Showles, a saloonkeeper, known to almost everyone in Milwaukee as "Judge" Showles, is dead of heart failure. He had conducted a saloon here for more than thirty years. He never sold a mixed drink, declined to sell more than three drinks to a man, and if he knew a man's family suffered because he frequented Showles' place Lo price could buy a drink. "No beer for you, my friend," he would say. "Take your money home to your family. I do not want it; they need it. And he adhered to this rule.

Six o'clock in the evening was his closing hour and when the clock struck six his best customer was told that business was over for the day.

Another pronounced peculiarity of the Yudge' was his dress, which was of the year before the war. When he walked the streets it was in the dress of the days of Clay and Webster-flowing coat, trousers wide in the leg and generous of girth, and collar of the big flowing kind seen in the pictures of carly day statesmen.

He was well, educated and a Mason of high degree. Nothing is known of his family. John lated injuriously to affect the best in-terests of all. He declared that no udge" effort to destroy unionism could suc-

cussed Today.

Denver, Colo., Aug. 13.—In the convention of the National Building Trades council this afternoon the matter of the endorsement of William R. Hearst of New York for the presidency of the United States was brought up and after considerable discussion the resolutions committee was instructed to bring in its report at 10:30 tomorrow morning. The resolution for endorsement was made a special order of business for the same hour.

The American branch of the Amalgamated Society of Carpenters and Johners had an application for membership before the convention. This application was referred to the incoming board.

NEGROES GETTING OUT.

Whitesboro, Tex., Aug. 13.—Although promised protection by the municipal officers, negroes are leaving here in large numbers, and if the exodus keeps up Whitesboro will soon be without a colored resident. The mob, folled in an attempt to lynch a negro last night, warned the negroes to leave, and several negro men were severely flogged.

OGDEN AND RETURN \$1.00.

Via D. & R. G., 8:00 a. m., Aug. 15. Outing of the Scottish missionaries. Everybody invited.

At Mullett's

PART OF ROCK ISLAND TRAIN GOES THROUGH BRIDGE INTO A TORRENT

Topeka, Kan., Aug. 13.—The engines, filled the creek and weakened the mail car and baggage car of the Texas express on the Rock Island, which leaves Topeka at midnight, went through the coaches remained on the rails.

Passenger train No. 13. which the express on the Rock Island, which leaves Topeka at midnight, went through a bridge across Hendricks creek near Alma at 1:30 o'clock this morning, killing John Leggett, fireman, of McFarland, Kan., and, seriously injuring Engineer John McStean of Kan. sas City. The baggageman and expressman jumped when the shock came acd were swept by the waters into tree tops, from whence they were rescued at daylight by William Graves, a fisherman. Graves also found the engineer unconscious and entangled in the limbs of a tree. The engine is in the bottom of the creek, out of sight. One car is dangling from the end of the bridge and another is lodged on the bank of the stream, partially under water. That loss of life did not follow is due to the narrowness of the stream where the disaster occurred. A cloudburst had

IN THE MANCHURIAN SITUATION

the Russian finance minister, and the policy of peace over General Kuropatkin, the minister of war, and that it is a significant step toward the settleis a significant step toward the settle-ment of the existing differences both with China and Japan. The Daily Mail says that there has existed for years a sharp division in the cabinet

steadily opposed taking any step to precipitate hostilities between Russia

London, Aug. 14.-The Daily Mail, in Manchuria, and as chancellor of the this morning declares that the appointment of Vice Admiral Alixieff as viceroy of the Amur district and Kwang
Tung provinces is most important, as

Mail says that there has existed for years a sharp division in the cabinet over the far eastern policy, and that General Kuropatkin and a majority of the ministers insisted that the actual annexation of Manchuria should be secured immediately at any cost of money or credit.

On the other hand, M. de Witte steadily opposed taking any step to precipitate hostilities between Russia.

precipitate hostilities between Russia from Toklo which says the Japanese and any other power in the east. He is confident that time only is needed to bring about all that Russia desires erence, to Manchria.

PRESIDENT CASTRO WILL TEACH LITTLE NEIGHBORS A LESSON

New York, Aug. 13.—President Castro of Venezuela, it is reported in this city, is formulating plans to take away the trade of the islands of Curacao and Trinidad because of aid given by them to the recent insurrection against the Venezuela government. The British and Dutch islands live in great degree on their trade with Venezuela, being ports of reshipment for American and European merchandise.

gree on their trade with Venezuela, being ports of reshipment for American and European merchandise.

This trade, it is understood. President Castro will endeavor to divert to Venezuelan ports. The reshipment of goods from here is done because of a lack of facilities to reach some of the small Venezuelan ports direct. This volume of trade requires the use of many warehouses, lighters and trucks, and makes Trinidad and Curacao calling ports for many steamers which otherwise would not stop there. Be-

ADVANCE GUARD OF GRAND ARMY ARRIVING IN SAN FRANCISCO

Protecting Their Water Supply.

(Special to The Herald.) the Manti river. The mayor and citizens petitioned for the prohibition of all grazing within the entire Manti reserve, but the lepartment concluded this would be unwise in view of the large number of stock now on the reserve. For the remainder of the present season grazing will be permitted except on the forks of Manti canyon, and next year grazing within the reserve will be regulated according to the report of Special Agent A. F. Potter, dividing the reserve into districts where grazing can and cannot be permitted. Forest Supervisor A. W. Johnson has been instructed to carry out the new order and to use every means to prevent the pollution of the water supply of Manti.

HEAVY DAMAGES CLAIMED.

Chicago Labor Unions Sued For Sums

Aggregating \$86,000.

Chicago, Aug. 13.—Damage suits against labor unions and members of unions aggregating \$86,000 were filed in Chicago courts today. John M. Stiles.

against labor unions and members of unions aggregating \$56,000 were filed in Chicago courts today. John M. Stiles, painting contractor, who alleges that his business has been ruined by labor unions, sued the painters' district council and unions affiliated with it in the building trades council for \$50,000.

The Kellogg Switchboard & Supply company filed two suits, each for \$15,00, against unions involved in the strike which terrorized Chicago several weeks ago and is still on. In addition to these

ago and is still on. In addition to these cases, six young women, employes of the Kellogg Switchboard & Supply company, have sued eight women who participated in the Kellogg strike for slander and libel, each case being for \$1,000 damages.

Rheumatism.

When pains or irritation exist on any When pains or irritation exist on any part of the body, the application of Ballard's Snow Liniment gives prompt relief. E. W. Sullivan, Prop. Sullivan House, El Reno. O. T., writes, June 6, 1902: "I take pleasure in recommending Ballard's Snow Liniment to all who are afflicted with rheumatism. It is the only remedy I have found that gives immediate relief." 25c, 50c, \$1.00. Sold by Z. C. M. I. Dept.

Clesing Out at Actual Cost. Today and all the week, men's pants \$1.75 A PAIR, regular price \$2.50 to the stock of watches, clocks, jew-try and silverware, 543 W. Second South. MRS. W. G. GANE.

Citizens of Manti Succeed in Frank Bryant, an Old-time Bad Man, Shot Down at Lander.

(Special to The Herald.)

Washington, Aug. 13.—Upon the request of the mayor and citizens of Manti, the secretary of the interior today issued an order prohibiting the grazing of sheep or stock in that portion of the Manti forest reserve lying within the limits of the forks of Manti canyon, this step being deemed necessary to prevent damage to the water supply of the city, which draws upon the Manti river. The mayor and citizens petitioned for the prohibition of all grazing within the entire Manti region of the comply. Jim drew his (Special to The Herald.)

ONE WOMAN INDICTED. Danville, Ills., Aug. 13.—The grand jury investigating the recent lynching has reported true bills against eighteen

men and one woman, There are three counts against each—defacing public property, attempting to enter a building with intent to murder the sheriff and three prisoners, riot and unlawful assemblage. All are under arrest and will be arraigned Saturday

DIED UNDER THE KNIFE.

San Francisco, Aug. 13.—Second Lieufor San Francisco, Aug. 13.—Second Lieutenant Ralph Miller, company I, Sixth
United States cavalry, died today at
the army general hospital, after an
operation. Lieutenant Miller returned
from the Philippine islands with his
squadron by the transport Logan.

Motors tonight Salt Palace.

IDAHO EXCURSION.

Via Oregon Short Line. Saturday, Aug. 15. Excellent outing for fishing and hunting. See agents for particulars.

Motors tonight Sait Palace. Motors tonight Salt Palace.

FINANCIAL BILL NOT YET DRAFTED

All-Night Conference With President Roosevelt.

SENATORS THEN DEPARTED

INTERVIEW GIVEN OUT BY SEN-ATOR ALDRICH.

Oyster Bay, L. I., Aug. 13 .- President Roosevelt's conference with the members of the sub-committee of the senate finance committee was not concluded until the small hours of this morning. The whole subject of financial legislation at the approaching session of congress was discussed thoroughly.

The committee, consisting of Senaors Aldrich, chairman, Platt (Conn.), Allison and Spooner did not even present a tentative draft of a currency bill to the president, although some presentations which subsequently may conclusions as to the shape of the pro-posed legislation were reported. The conference related rather to methods of procedure in the work at hand than to the form of the legislation. At 30 this morning the members of the committee left Sagamore Hill, boarded their yacht, the Virginia, and sailed for Provident on their return to Senator Aldrich's home,

Early Extra Session. SCHOOL OF ARTS AND SCIENCES. One fact of distinct importance was

developed at the conference. While an extraordinary session of congress next fall is assured, it has not been determined definitely whether it will be called to meet in October or in November. It has been supposed that the extraordinary session would convene on Monday, Nov. 9, but the indications now are that it will be called for an arlier date, perhaps several weeks

carlier.

The primary purpose of the extraordinary session will be to enact legislation making operative the Cuban recolation making operative the Cuban recolation. iprocity treaty, but financial legislation also will be pressed upon the attention of congress soon after it convenes.

Measure Not Yet Drafted, It can be said that the senate finance committee will draft no measure for-mally and conclusively until consultaions have been held with other members of the senate—Democrats as well as Republicans—and with members of the house and with the best authori-ties on finance in the country. It is the desire of the committee to be constantly in touch with the president, with other senators, with members of the house, with bankers of the west as well as those of the east and with country bankers as well as city bankers, so that some plan of legislation may be formed by the opening of the traordinary session of congress.
"It is the hope of the committee to devise a genuinely elastic currency system—a system that will expand when the necessity shall arise and con-tract when the necessity shall have

eased to exist Talk With Senator Aldrich. Senator Aldrich, when asked by an Associated Press representative with

Associated Press representative with reference to the visit of the senators to the president, said: "The Republican members of the sub-committee of the senate finance San Francisco, Aug. 12.—Sevetal hundred members of the G. A. R. have been added to the advance guard already in the city awaiting the opening, next Monday, of the thirty-seventh national encampment. The majority of the arrivals recorded their names at the bureau of registration and information. The list shows that they came from twenty-eight in close succession until Monday next, with lesser delegations arriving from then they came from twenty-eight of urbirsts, relatives of the Grand Army tourists, relatives of the Grand Army to registration and information. The list shows that they came from twenty-eight in close succession until Monday next, with lesser delegations arriving from then the close succession until Monday next, with lesser delegations arriving from then the close succession until Monday next, with lesser delegations arriving from then the present of the subscended on and one will be until after the fullest consultation with respect to the subscended on the sense of the subscended on the provided for the visitors, including a staff of volunteers composed of physical provided for the visitors, including a staff of volunteers composed of phys

TOOK WALK AND DRIVE.

Pope Pius X Has Recovered From His

Illness. Rome, Aug. 13 .- The pope is quite well today. He took a long drive and walk in the vatican gardens and then received the Austrian ambassador, who presented his credentials.

Mgr. Cagiano, the major-domo, accompanied by Cardinals Rampolla and Mocenti, opened the apartment of Pope Leo XIII this morning, breaking the seals put on at the time of the pontiff's death. They found a considerable amount of money—It is stated several millions of francs—besides other valu-ables. Cardinal Cretoni, prefect of the Congregation of Sacred Rites, was not present, having left Rome on account of illness.

of illness.

The pope was again photographed today in the gardens. He afterwards received Cardinal Sartolli, who inquired regarding the appointment of a new secretary of state in succession to Cardinal Rampolla and again sugrested Vincenzo Vannutelli as the best fitted for the position, Cardinal Satolli then proposed the appointment of Father Edward Fowler, secretary to Rev. J. J. Harty, as a domestic prelate to the pontiff, which post carries with it the title of monsigneur. The pope granted the request and a brief of appointment was issued immediately. Cardinal Gibbons will come to Rome Friday to assist at the consecration on Saturday of Rev. J. J. Harty as archbishop of Manila. On Sanday the pope will receive the new archbishop and Eather Fowler in private audience. The former will receive the pailium from Cardinal Macchi on Monday and will leave Rome the same night.

Cardinals Rampolla and Mocenni, after a summary visit to Pope Leo's apartment, decided to begin tomorrow making an inventory of all it contains.

KANSAS RIVERS RISING.

Kaw and Blue Eleven Feet Above Low Water Mark at Manhattan. Low Water Mark at Manhattan.

Topeka, Kan., Aug. 13.—The Kansas river is slowly rising here. This is caused by the heavy rains of this morning and the rises in the streams farther up the river. At Manhattan the Kaw and Blue rivers are eleven feet above low water mark and have risen fourteen inches since 3 o'clock this afternoon. The Kansas river rose at the rate of a foot in Manhattan this morning.

At Junction City the high water in the Smoky Hill is falling fast, being three feet lower than yesterday. The Union Pacific and Rock Island report washouts in several places, but without any material damage being done, with the exception of at McFarland, where an engine and two cars fell through a weak bridge.

SALTAIR BEACH SPECIAL TO-DAY.

Trains leave 10:30, 12:00, 2:20, 4:20, 6:20, 8:00, 9:45, A TRIP TO YELLOWSTONE PARK

Redford Transportation company, Spencer, Ida., outfitters for camping parties. Correspondence solicited. Motors tonight Salt Palace,

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1. Mining Engineering. 2. Electrical Engineering.
3. Civil Engineering.
4. Mechanical Engineering

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The proximity of great mines, reduction works of various kinds, and power houses for the generation of electricity affords unexcelled advantages for thorough and practical work in all the engineering courses. MANUAL TRAINING AND DOMESTIC SCIENCE are features of the normal courses. Entrance examinations, September 9th, 10th, and 11th. Registration of students, September 11th and 12th.

Students will be assisted in finding suitable boarding places, Annual registration fee, \$10. No tuition. Send for catalogue and illustrated circular and learn what excellent apportunities the University offers for a broad, liberal, and practical

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Specials in Suit Cases This Week. 233 MAIN, south Kenyon Hotel.

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POSITIVELY WITHOUT PAIN OR DANGER OR NO PAY. Our painless extraction is a marvel and osts you nothing when plates are crdered.

If you have any dental work to be done, come and see us and inspect our work.

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We Offer at a BIG SACRIFICE.



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President. Treas. and Gen. Mgs

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